

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - :

JASON SMITH, : **08 Cr. 84 (DC)**

Defendant. :

-----X

DEFENDANT JASON SMITH'S PROPOSED VOIR DIRE QUESTIONS

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Defendant **JASON SMITH** respectfully requests that, in addition to its customary questions, the Court address the following areas in its voir dire. The Court is requested to pursue more detailed questioning if a particular juror's answer reveals that further inquiry is appropriate, concluding in such instance with an inquiry as to whether the juror is certain that the particular fact or circumstance would not influence the juror in favor of or against the government or the defendant.

QUESTIONS FOR THE JURORS AS A GROUP

1. Is there any person that feels that because Mr. Smith has been accused of a crime, he must have done *something* to deserve that accusation?
2. Because the charge involves possession of a firearm, is there any reason that you feel you might not be able to be fair and impartial?
3. Have you, or any friend or family member, been the victim of a gun-related crime? **If any veniremember says yes, defense counsel requests that the Court bring the potential juror to sidebar for follow-up questions regarding the details of these crimes, whether the perpetrators were found and convicted, whether these crimes would prevent him or her from presuming Mr. Smith to be innocent unless the government proves beyond a reasonable doubt that he possessed a gun, and whether he or she can assure the court without hesitation or equivocation that he or she will be able to render a verdict without bias or prejudice.**
4. You will hear evidence in this case that Mr. Smith was previously convicted of a crime. Would that fact impact, in any way, your evaluation of the evidence in this case?


5. You will hear evidence in this case that Mr. Smith ran from the police, and then struggled with an officer. Is there any one here that believes such actions necessarily mean he is guilty? Is there anyone here that would hold such actions against him?

DEFENDANT'S CASE SPECIFIC INFORMATION FOR THE COURT

Jason Smith is represented by **Deirdre D. von Dornum** and **Fiona M. Doherty**. Also assisting Mr. Smith at trial will be **Whitney Bernstein** and **Stephen Clarke**.

Dated: New York, New York
July 31, 2008

LEONARD F. JOY
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BY: 
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